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Hastings College of the Law Alumni Association

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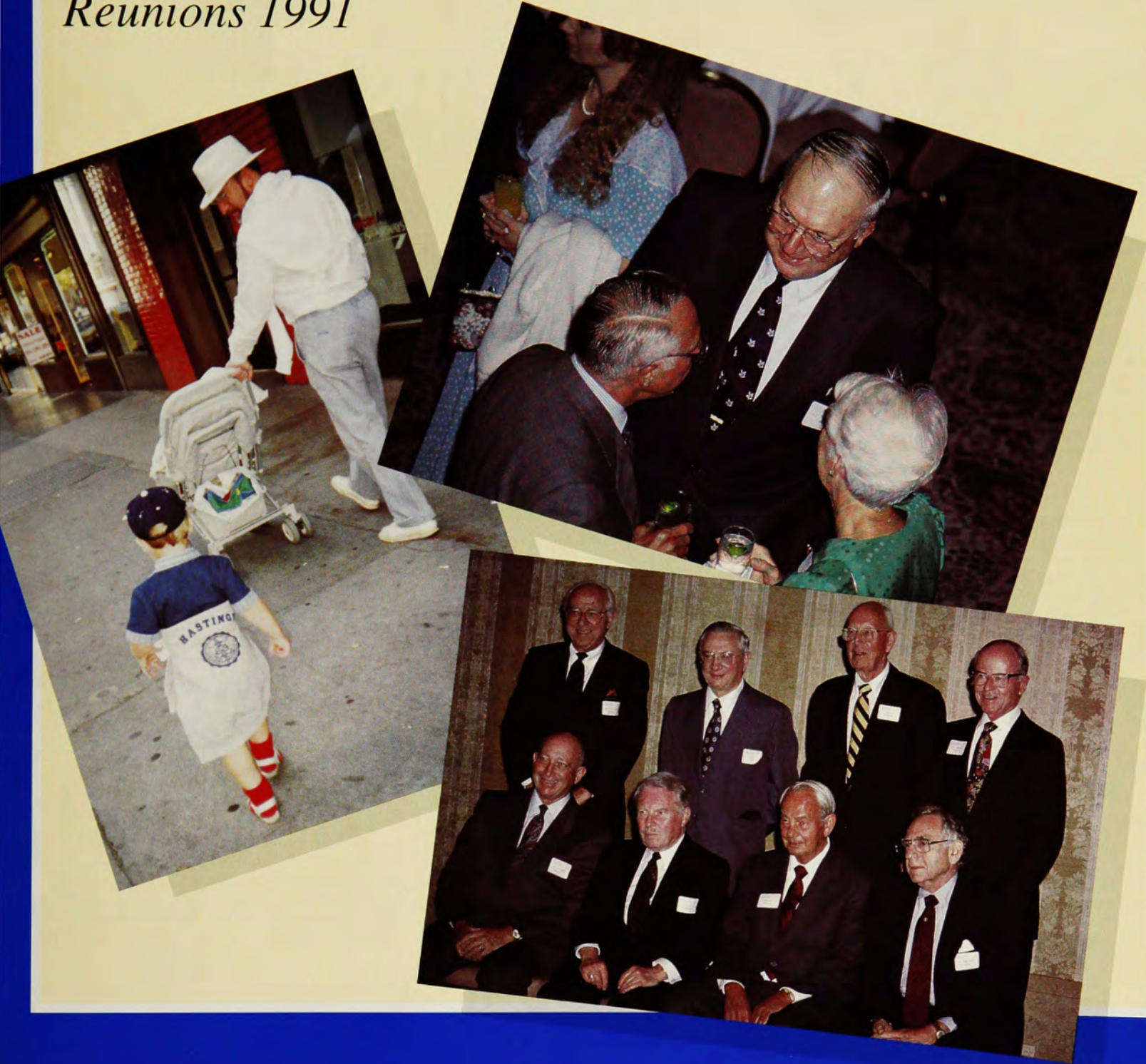
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HASTINGS

COMMUNITY

University of California
Hastings College of the Law
SPRING 1992

Reunions 1991



Alumni Survey Issue

The other classes holding reunions were 1951, 1956, 1961, 1971, 1976, 1981, and 1986.

Additional highlights included:

- Twenty-six alumni attended from 14 states other than California, as well as from the District of Columbia and Hong Kong. Almost half of those from out-of-state were from the Class of 1976, including five from Hawaii.
- Of at least 18 members of the judiciary in attendance, one of those traveling from other states was Karla M. Gray ('76), the newest justice on the Montana State Supreme Court.
- Joan de R. O'Byrne — the only woman in the Class of 1961 — traveled from Rochester, New York, to join her reunion.
- Alumni board members in attendance included Past President Melvin Kerwin ('61), the Hon. Timothy Reardon ('66), Jamoa Moberly ('76), and Eric Abramson ('81).

*Class of 1941
50th Anniversary*



Reunions '91



Reunions '91 were a chance for many pre-1980 alumni to see Hastings' newest building at 200 McAllister St. Afternoon campus tours drew about 100 alumni and guests. Here, alumni are shown touring the second floor gallery of Sixty-Five Club portraits and other College memorabilia including a bronze plaque of John Norton Pomeroy. The second floor also houses the Alumni Reception Center.



Mark Your Calendar!

Sept. 26: Reunions '92 for the Classes of '35, '37, '42, '47, '52, '57, '62, '67, '72, '77, '82 and '87 in San Francisco

A highlight of the Reunions '91 festivities was the full gathering of some 261 alumni and 183 guests at the Westin St. Francis Hotel on Union Square. Scenes are from the early evening reception when all classes gathered before moving off for class portraits and dinners. Dancing followed in one of the hotel's main ballrooms.



Class of 1966
25th Year Reunion



Class of 1981
10th Year Reunion

Lecture by Hastings Board Member

Greed is Not All Right: A Call to Close the Ethics Gap in the 'Casino Society'

Anyone who has ever met Joseph W. Cotchett ('64) knows he's not afraid to "tell it like it is." So, when he spoke at Hastings in the Fall, his message to current law students was no exception: Greed is not all right.

Cotchett is a member of Hastings' Board of Directors and one of the country's leading plaintiffs' attorneys. He is also author of a new book, *The Ethics Gap: Greed and the Casino Society*. And his message is the opposite of the now infamous "...greed is all right" speech delivered by Ivan Boesky to U.C. Berkeley business students in the late 1980s.

"You are the ones who tomorrow may be able to do something about what I am going to talk about today," Cotchett told Hastings students in a November lecture that was part of the Academic Dean's Office "Enrichment Series" last fall. He called on students with almost evangelistic passion to reverse the bottom-line mentality that he believes is



(Photo by Christina Toccone. Copyright, 1991. The Daily Journal Corp. Reprinted by permission.)

Joseph W. Cotchett ('64) addressing Hastings students on the "ethics gap."

Sometimes lawyers use the very legal skills they have worked so hard to acquire to assist their clients in perverting the system and perpetrating mammoth frauds on the public.... When lawyers go bad, more is at stake than just the legal profession. It is lawyers who stand at the very headwaters of this country's legal process, and when they become corrupt, that corruption inevitably spreads downstream infecting the entire system.... The saving grace is the great numbers of our profession and the many courageous state and federal judges that demand justice over the bottom line. But without outspoken individuals in our profession and on the bench, we will lose the profession that keeps the flame lit in 'a land of laws, not men'."

From The Ethics Gap: Greed and the Casino Society

By Joseph W. Cotchett
with Stephen P. Pizzo

too prevalent not only among lawyers but also doctors, accountants, bankers and other professionals.

"I practice in a world where I am up against the biggest, most powerful law firms in America — some of them the most honest, decent people you will ever meet in our profession," said Cotchett, who is lead counsel for 23,000 small investors in a class action lawsuit in the Lincoln Savings & Loan litigation. "Some of them, unfortunately, are turning their entire lives and profession on something called the bottom line.

"It's not just the lawyers in the downtown firms," he continued. "It hits all of us because we are living in a society where if you are not wearing a Rolex watch or driving a BMW you have not hit the big time."

Cotchett listed examples of what he sees as ethical breaches, ranging from doctors who accept frequent-flyer mileage from drug companies to accountants who "cook the books" for clients. He cited the savings and loan scandal as a key example of the unethical path too many professionals have taken.

"The savings and loan scandal was brought about not only by the lawyers who did the paperwork, but also by the accountants,"

Cotchett said in the lecture, which was reported in the San Francisco, Los Angeles and Sacramento legal press. "The fact of the matter is that in the accounting profession today, you can get any clean audit you want depending upon whom you want to go to and what price you want to pay."

Cotchett, who was named to *The National Law Journal's* "100 Most Influential Lawyers in America" list for 1991, likened the era of greed to a speeding train roaring down the track since the Reagan era of deregulation. And he asked: "How are we going to stop it...this incredible lack of ethics?"

However, no sooner did Cotchett mention former President Ronald Reagan than he declared that blame for the era must be wider, describing it as a pestilence that has cut its swath "right across the moral fibre" of American life.

"This is not only a slap at Reagan, because I'm going to take on Democrats as quickly as I take on President Reagan," Cotchett said. "When you hear Democrats stand up and talk about the runaway years of the '80s under Reagan, you ask them, 'Who controlled Congress in 1980?' And you ask them, 'Where was Jim Wright? And where

was Tony Coehlo? You ask the Democratic Party, 'Where were you people?'"

Cotchett expressed worry that erosion of ethical behavior will continue in the 1990s if something is not done. With it, he added, comes the growing distrust of the professions by ordinary Americans.

"The S&L crisis of yesterday is the pension fund crisis of next year and of the '90s," he said. "Wait until you see what's coming because of unethical conduct of money managers, or attorneys, or accountants who were only concerned with getting paid."

"I can't describe to you the bitterness out there on the street because of what's happened to our professions."

His straightforward assessment and call for reform is to be expected given the formidable style of the six-foot-four, 53-year-old Cotchett. His poor but happy childhood in Brooklyn and Long Island taught him to side with the underdog. One of his mother's lessons along the way: "Never be afraid of the big guys." It stayed with him all his life. As an undergraduate at California Polytechnic University in San Luis Obispo, he

started Cal Poly's first integrated fraternity in 1957. Throughout his legal career over the past quarter century, he's been known as an advocate for the little guy.

Now, as a prominent attorney and director of a nationally-ranked law school like Hastings, it is no wonder that whole professions should feel his ire over the era of greed.

As for specific antidotes, Cotchett's answers include simple and swift action: Punish offenders.

"The judge and the jury system are our last defense against the unethical conduct I see out there that is pervading our society in a way that just tears at everything we stand for," he said.

"It all comes back to ethical conduct. ...There is a very, very tragic corruption of ethics that we are not meeting head on."

Noting that he had served for four years on California's Commission on Judicial Performance, Cotchett declared that removal of offenders from the practice of law is both a correct and quick means of effectively halting unethical conduct.

"I truly believe that practicing law is not a right," he said. "I truly believe it is a privilege. ...We must understand that the occupation of law is a privilege by which you go out into society and you operate under our body of laws ethically, morally, and legally."

"If you take a lawyer's license away for good for stealing from a client," he added, "do you know how fast we will clean up the legal profession? ...Until and unless we do that in our professions, we are going to suffer an ethics gap that is going to get wider... You will see it. You will be confronted with it; I guarantee it."

Punishment, however, is the end solution, Cotchett continued, adding that the primary solution is education.

"Ethics must be taught by every professor in school. It has got to be dealt with at the highest levels. It has to start from the top and come down, and it also has to start from the bottom and go up," Cotchett said. "Education is what it is all about and that means incorporating an ethics component into every course."

In Brief: 'A Steam Engine in Pants'

A judge once called him a "steam engine in pants." His wife, Victoria, speculated he was born with two adrenal glands. But Joseph W. Cotchett, as in most everything, has a straight forward explanation that he once gave an interviewer: "It's simple. You get up in the morning, you put your right foot in front of the left and then you go do what's right!"

Step-by-step over the last quarter-century, that philosophy has led Cotchett from Hastings to *The National Law Journal's* list of the "100 Most Influential Lawyers in America," and most recently as one of the 10 most winning trial lawyers in the country. He was the youngest member ever elected to the California State Bar's Board of Governors and he has been honored as Trial Lawyer of the Year by the Trial Lawyers for Public Justice. He's a former Green Beret who spent 30 years as a Colonel in the

Judge Advocate General Corps, U.S. Army Reserves. He is a Fellow of the American College of Trial Lawyers as well as of the International Society of Barristers.

The public service side of Cotchett's life is felt at Hastings perhaps more than anywhere else — through his work as a member of the Board of Directors, by sharing his professional experience with students, and as a generous donor.

He has rightly been called one of the foremost trial lawyers in America — representing clients as diverse as the National Football League and the Bank of America, Native Americans on South Dakota's Rosebud Indian Reservation and the family of slain civil rights worker, Viola Liuzzo. Currently, he is preparing for trial in Phoenix as lead counsel in a class action suit on behalf of 23,000 small investors who lost their savings in the Lincoln Savings and Loan/Charles Keating scandal.



(Photo by Christina Toccone. Copyright, 1991. The Daily Journal Corp. Reprinted by permission.)

Board Member Joseph W. Cotchett ('64).

But if there is a common thread in all of Cotchett's work, it was perhaps summed up by one writer who said, "Whether he's representing a farm worker or Bank of America, Cotchett prefers cases with 'some broad social impact that will be meaningful to future generations'."

Mathew O. Tobriner Lecturer

Former Amnesty International Leader Examines How to Bring Human Rights Violators to Justice

Emerging democracies face a much more difficult task in bringing human rights violators to justice than did Western nations following World War II, according to a Chilean legal scholar who was the 1991 Mathew O. Tobriner Lecturer at Hastings.

MacArthur Fellow José Zalaquett told San Francisco audiences during a three-day stay that the task for new democracies from Latin America to Eastern Europe must be to balance the demand for justice with the need for peace and political stability. In other words, they must move cautiously to punish human rights violations while avoiding a backlash that could undermine emerging democratic institutions.

This contrasts with what Western nations faced after World War II, when those who committed human rights atrocities were brought to justice after having not only lost political power, but also having lost their weapons, according to Zalaquett.



José Zalaquett, the 1991 Mathew O. Tobriner Lecturer, visits with Mrs. Rosabelle Tobriner.

"Truth is an absolute value, an unrelinquishable one."

Such is not the case in many of the world's emerging democracies, where those responsible for past abuses still maintain degrees of power either within political parties or within the military.

In these new democracies, leaders face the daunting task of upholding ethical standards in addressing past human rights violations, while dispensing justice in ways that prevent a revolt among political or military forces that still hold considerable political power.

Zalaquett delivered the Tobriner Lecture on Oct. 15 at Hastings. The Tobriner Lecture Committee and the College also arranged for talks to both the Human Rights Section of the Bar Association of San Fran-

cisco and the International Section of the Commonwealth Club of California. Zalaquett appeared as well on the Forum program, an hour-long in-depth look at issues on the PBS radio affiliate, KQED, in San Francisco.

Zalaquett was a member of the commission appointed by Chile's president, Patricio Aylwin, to investigate human rights abuses under Gen. Augusto Pinochet's 1973-to-1990 dictatorship in Chile. Zalaquett himself was jailed and exiled under Pinochet. He also is past chair of the International Executive Committee of Amnesty International.

In part, the answer to the dilemma Zalaquett outlined in his talks lies in the same philosophy that underpins Judeo-Christian beliefs about atonement, forgiveness and reconciliation — "you try to repair what you did, you resolve not to do it again."

A democratic government can do this, he said, by giving absolute value to telling the full truth about what had taken place, while applying a relative standard to justice based on national circumstances.

A theoretical example, Zalaquett explained, would be to consider what would happen if Nelson Mandela were to gain power in South Africa while whites retained important quotas of military power and political veto under a negotiated agreement. Could Mandela realistically punish all of the thousands of white people who engaged in apartheid? "Most probably no," Zalaquett said. "Such an attempt would upset the whole process of progress and the peaceful solution. It would produce unforeseen consequences."

"While guided by ethical principles," he explained, "governments must be mindful of the likely outcome of their policies. They cannot afford to disregard real life constraints, lest in the end the very ethical principles they wish to uphold suffer because of a political or military backlash."

Thus, the use of truth becomes the powerful, absolute force in the reconciliation process.

"Truth," noted Zalaquett, "is an absolute value, an unrelinquishable one. In order to repair and prevent, you have to know what

to repair and prevent. The truth also brings a measure of social catharsis and helps to prevent the past from recurring.

"Further," he continued, "to some extent bringing the facts to light is also a mild form of punishment by exposing the perpetrators to shame. So, truth fulfills many expectations and, in itself, is a value, an absolute value, that should never be relinquished."

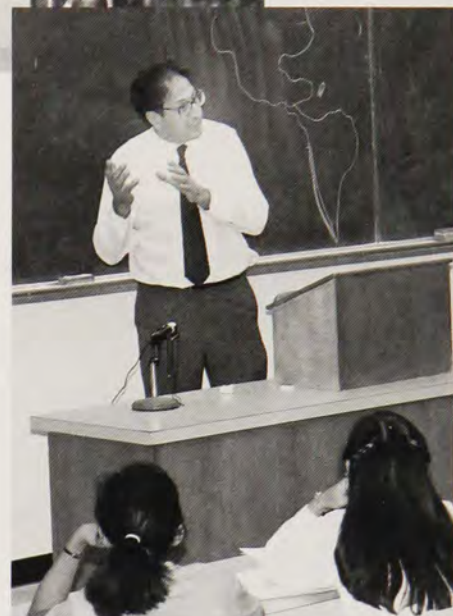
Justice, however, depends on the circumstances, Zalaquett contended. And it is more than criminal justice. In Chile, as an example, discussion focuses on three-fold justice.

"First," Zalaquett said, "you must vindicate the names of the people, the victims who have been denigrated. A second face of justice is compensation, such as pensions for the widows or scholarships for the orphans, free health care for those injured through repression and so forth. A third aspect of justice is criminal justice — to bring to trial the perpetrators."

Yet, while punishing the guilty may serve as a deterrent, Zalaquett said, this third component of justice is what has to be moderated by circumstances.



During a three-day visit in the fall, José Zalaquett, the 1991 Mathew O. Tobriner Lecturer, talked to students about the political situation in emerging democracies, addressed the Human Rights Section of the Bar Association of San Francisco, spoke to the International Section of the Commonwealth Club of California and did interviews with the media, including an hour-long program on the PBS radio affiliate in San Francisco.



ishment. Why? Because, if you go for both truth and justice you may well end up with neither."

The Tobriner Lecturer is invited by the Mathew O. Tobriner Memorial Committee to honor the late Justice of the California Supreme Court through an address, as well as colloquia with faculty and students "consistent with Justice Tobriner's philosophy and ideals."

The committee is chaired by U.S. District Court Judge Robert F. Peckham. Honorary chairmen are former California Gov. Edmund G. "Pat" Brown and Raymond L. Sullivan, a Hastings professor and retired Associate Justice of the California Supreme Court.

The 1992 Mathew O. Tobriner Lecture will be by the Hon. Abner J. Mikva, chief judge of the U.S. Court of Appeals in Washington, D.C. The date of the lecture will be announced once it has been set.



"In a deeply divided country," he said, "repentance through truth-telling and forgiveness can bring about unity — and that unity, in certain circumstances, would reinforce the foundations of democracy. The real dilemma is that in circumstances such as the Chilean one, given the political constraints, options are limited. Thus, priority must be given to truth over pun-

Hastings Plays a Key Role in ABA's Central and Eastern European Initiative

International law is taking a new turn at Hastings this academic year. First, the College hosted the dean of the Law School of Belgrade, largest in Yugoslavia. Then, Hastings Dean Tom Read returned the visit to celebrate the Eastern European school's 150th anniversary.

The exchange was under the auspices of a bold American Bar Association initiative. The goal is to introduce leaders of law schools in Central and Eastern Europe to American legal education. The hope is for cooperative programs to help them in the struggle with legal reform in their countries.

Hastings is playing a leading role in the ABA project, called the Central and East European Law Initiative (CEELI).

"I am very pleased the ABA asked Hastings to be one of America's lead law schools in this important effort. We will be able to help introduce Central and East European law schools to American legal education, scholarship, and administration."

Obrad Stanojevic spent a week in September meeting with Hastings deans, faculty, students, and staff before heading off to two other law schools for similar meetings. Sixteen other deans from Central and Eastern Europe were also fanning out across America. More are scheduled to do the same this spring.

"Monumental changes are occurring in Central and Eastern European countries," noted Dean Read, who is working on the ABA initiative. "The legal changes there are truly revolutionary for the law schools in those countries."

"We hope to help these law schools adjust to the legal reforms underway. We will be conducting technical assistance workshops throughout Central and Eastern European law schools. We will be developing sister law school relations."

"I am very pleased the ABA asked Hastings to be one of America's lead law schools in this important effort," Read continued. "We will be able to help introduce Central and Eastern European law schools to American legal education, scholarship, and administration. We also will be exchanging ideas and, for our own faculty and students, helping to bring the current social, political, economic, and legal changes in that region into sharp focus."

The backdrop of Dean Stanojevic's visit was itself an object lesson in the rapid changes sweeping Eastern Europe. He began his month-long stay in the U.S. even as civil war erupted at home. Still, the good-humored Stanojevic stuck to a busy schedule of meetings, tours, and interchanges.

Stanojevic joked with a group of Hastings students about coming to Belgrade to organize a summer school for Eastern European scholars' study of "some of the things about which we need to learn — bankruptcy, unfair competition, civil war." Then, turning serious, he said, "Communism is dead."



Obrad Stanojevic addressing students.

As Yugoslavia turns from the "dead-end roads" first of Marxism and then independent socialism, he explained, "I think we are coming back to the fundamental European legal tradition."

The Law School of Belgrade is part of the University of Belgrade. Enrollment — which tops 6,800 — swelled this year as a result of the admission of Serbian refugees from Croatia. The program is four years, on a level equivalent to undergraduate study in the U.S. The law school is the largest of 18 in Yugoslavia.



Obrad Stanojevic, left, on a campus tour, admires a portrait of the late William L. Prosser, long time dean at Boalt Hall School of Law and later long-time Sixty-Five Club professor at Hastings. Leading his tour were Third-Year students, from left, Marc A. Deiter, Robyn L. Baldwin (foreground), and Randall H. Stoner.

Lunch 'n Learn at Hastings



Hastings Professor William T. Hutton speaks to attorneys about recent developments in tax law at the first session of a new Continuing Legal Education program that the Office of Continuing Legal Education launched in the spring semester. The innovative brown bag lunch hour seminars are for downtown San Francisco and Civic Center attorneys. The Office of Continuing Legal Education hopes its "Lunch 'n Learn" program will add convenience for attorneys seeking MCLE credit. Each lunch hour program is approved for MCLE credit by the State Bar of California. Presenting the programs have been distinguished practitioners, jurists and Hastings faculty members.

Health Service's Margaret Ems Eissler Dies at Age 70

Dr. Margaret Ems Eissler, a gynecologist who saw Hastings women students in the Health Services Office for many years, died of cancer Oct. 30, 1991, at her San Francisco home. She was 70.

Dr. Ems, as she was known to students, saw women students on campus until February, 1991, when her cancer was diagnosed.

Many students and alumni remember her as a doctor who took time to listen and discuss their concerns.

In addition to her work in Health Services, Dr. Ems Eissler also served the College through participation as a board member of the Hastings Volunteers Association.

Dr. Ems Eissler also worked in the student clinic at the University of California, San Francisco. She had retired from her private practice in 1985.

A graduate of San Francisco's Lowell High School, Dr. Ems Eissler earned her undergraduate degree from San Francisco State University and then earned her medical degree at Stanford University in 1950. She was the 1990-91 president of the Stanford Women's Club of San Francisco and was on the board of The Volunteers to San Francisco General Hospital.

Dr. Ems Eissler is survived by her husband, Dr. Rolf Eissler; one daughter, Ellen Eissler, of Berkeley, California; and one sister, Mildred Ferro, of Petaluma, California.

Contributions in her memory may be made to Planned Parenthood of San Francisco/Alameda, 815 Eddy St., Suite 300, San Francisco, CA 94109, or to The Volunteers to San Francisco General Hospital, 1001 Potrero Ave., Room 7F8, San Francisco, CA 94110.

Among items discussed by Deans Stanojevic and Read was the potential for a sister school relationship. Dean Read followed up on the topic by returning the visit later in the fall. He joined in celebrating the Law School of Belgrade's 150th anniversary. The trip was possible because the anniversary coincided with a second meeting of the ABA's CEELI program deans in Prague during the same part of early December.

Dean Read also spoke as part of a panel on the protection of minority rights under a constitutional government. That program was sponsored by the University of Belgrade and the United States Information Agency.

The latest CEELI meeting, Dean Read said, laid plans for a second round of visits to the U.S. this spring by 17 additional deans from Central and Eastern Europe. Hastings again was asked to participate as one of the lead schools.



Hastings Dean Tom Read, left, greets Belgrade's Obrad Stanojevic.

Participation in the ABA project is a continuation of initiatives under Dean Read to strengthen Hastings' role in foreign and comparative programs.

The most substantial foreign program is with Nihon University in Tokyo. This full-fledged sister school relationship has spawned two international conferences, one in Tokyo in 1990 and the second scheduled this spring in San Francisco.

Hastings Professors Look for Lessons

After the Clarence Thomas Confirmation Fight: The Need for Major Reform in Choosing Justices

If a predominant view came out of the Clarence Thomas nomination fight, it may be clear dissatisfaction with the U.S. Supreme Court confirmation process. This was no exception at Hastings. Calls for reform included those of three faculty members who tackled the issue at a campus forum a few days after the Senate vote in October.

"It was Bismarck who said it's better that the people not see how sausage and laws are made," was how panelist Ray Forrester, professor of constitutional law, opened his remarks. "Today in America, he might say that it's better that the people not see how sausage, laws, and justices are made."

Fellow constitutional law professor Calvin Massey commented, "History tells us that

"History tells us that politics are at the heart of the confirmation process. There is no way to drain the politics from this swamp."

politics are at the heart of the confirmation process. There is no way to drain the politics from this swamp."

Neither man stopped there, however. Each had specific ideas for reforming the confirmation process. These included enlarging the Senate's advice role in initial selection of nominees and requiring a two-thirds vote for confirmation. And a third professor, Brian Gray, expressed hope the country might move beyond ideology, a hallmark of nominations during the Reagan and Bush administrations. The Senate, said Gray, could help break the cycle by "playing hardball" with the president, rather than continuing to let itself get "struck out."

Forrester — a member of the Hastings Sixty-Five Club and former dean at Vanderbilt, Tulane, and Cornell — put the issue in the largest context: A need to restore

public confidence in the high court and in processes leading to appointment.

"Public confidence in the Supreme Court is essential to the rule of law in America," he said. Then he noted grimly that a Gallup poll conducted during the Thomas hearings put public confidence in the Supreme Court at 39 percent — lowest in Gallup history. "It is upon such confidence that the Court depends for acceptance and public obedience when the Court decides critical national issues," he warned.

Forrester said the most basic change must come in the political habits of the nation. Presidents, senators, and the public all need to retake the moral high ground.

"Honesty in government is the overall basic problem," he said. "The nation's overriding flaw is in the quality, the character, and the accepted practices of too many, (although) not all, of our politicians in both parties.

"We have become so accustomed to humbug, flim-flam, manipulation, vote-buying in Congress by PACs and other special interests...that our collective sense of shock and rejection is dulled to the point of passivity, and yes — sheer amusement...

"We know what's going on and that it is tragic for the country, but too many of us have decided that we can't individually do anything of consequence about it," Forrester continued. "...In some way, some peaceful way, politicians must be brought to realize that we won't take it anymore, and that a government without honesty, basic integrity, and unselfish idealism is the road to ruin for all of us, including themselves."

Specifically, Forrester suggested that presidents must discipline themselves to remain above politics in making nominations, select several clearly qualified candidates for the court, and then seek both the advice and consent of the Senate.

"Justices retain power long after presidents leave office," he said. "The president should rise above politics in choosing candidates for the Supreme Court. At times, presidents have done so in the past."

Forrester was emphatic that excellent can-

didates exist and should be sought out. "I've known a few that are so good, in fact, that as members of the Supreme Court, I would trust my life, my family, and my country to their ability, sound judgment, and character."

The president should send his list of approximately five such prospects to the Senate, not for confirmation initially, but for advice, according to Forrester.

"Currently, the president only obtains the consent of the Senate," he explained.

"There is no reason why persons of good faith cannot narrow the selection to at least one mutually acceptable, highly competent nominee," he added, "thereby reflecting substantial national consensus from the very beginning.

"This would avoid the spectacle we have witnessed on more than one occasion in the past — a spectacle of partisanship too often based on selfish politics, with scant regard for the general welfare of the nation, one actually designed at times to conceal the real qualities of the candidate, rather than to reveal them."

Professor Massey goes a step further. Arguing the need to slow the slide into a political quagmire when selecting a Su-



Professor Calvin Massey presents his case for a two-thirds Senate vote requirement to confirm justices.



Faculty panel examines U.S. Supreme Court nomination process. From left, Professors Ray Forrester, Brian Gray and Calvin Massey as panelists with Professor Eileen Scallen as moderator.

preme Court justice, he suggested requiring a two-thirds vote of the Senate.

Massey first noted that historically there is nothing new in politics fouling the nomination process. "When the president or the Senate have sought to ignore, spite, humiliate, or exploit the other, acrimony and poor appointments have resulted," he said.

"Andrew Jackson, for example, believed that the best way to deal with senatorial rejection of a presidential nominee was to either leave the post vacant or to offer another nominee even less palatable than the first. Jackson's appointments to the Court were hardly stellar. (Richard) Nixon's attempt to emulate Jackson's strategy produced Harrold Carswell."

Requiring a two-thirds majority vote for confirmation — either through constitutional amendment or by legislation — could result in nominees less prone to trigger acrimonious political wars.

"However accomplished, such a change would require the president to select a nominee with broad public support," Massey said. "In most cases, it would require the president to pick someone with a healthy modicum of bipartisan support."

While such a requirement might tempt more special interest groups to try to block nominations, Massey believes that improved nominations would overcome that drawback. Such maneuvers would be headed off, he argued, by the premium a two-thirds requirement would put on nominating people highly qualified by their "accomplishments, constitutional philosophy, and professional stature."

Historically, a two-thirds requirement would have blocked confirmation of only eight justices, including current Chief Justice William Rehnquist and Clarence Thomas. The others — and their years of

nomination — would have been: Mahlon Pitney, 1912; Lucius Lamar, 1888; Stanley Matthews, 1881; Nathan Clifford, 1858; John Catron, 1837; and Roger Taney, for chief justice, 1836.

Excluding the sitting justices, Massey concluded, "The loss of the services of this group would have been no great tragedy for the nation. Of these, it should be noted that Nathan Clifford is one of (University of Chicago) Professor David Currie's finalists for 'Most Insignificant Justice,' and that Lucius Lamar and John Catron each received honorable mention from Currie. I

"Public confidence in the Supreme Court is essential to the rule of law in America. It is upon such confidence that the Court depends for acceptance and public obedience when the Court decides critical national issues."

might add Mahlon Pitney to Currie's list."

That is not to say there is not a risk of losing good justices to a two-thirds vote rule. Massey, however, thinks it is acceptable.

"It is only fair to disclose the close calls, confirmations which would have barely

survived a two-thirds requirement," he said, listing those as: Charles Evans Hughes for chief justice, 1930; Louis Brandeis, 1916; and Melville Fuller for, chief justice, 1888.

"The loss of these justices, especially Brandeis and Hughes, would have been a much larger loss to our nation," Massey said. "It may be that a two-thirds rule would extinguish some dim flames, but at the cost of snuffing out some bright candles."

"On this point, all is speculation. The thrust of this suggestion is not to claim that it will produce better justices in every instance of its application, but to suggest that the addition of another structural check might lessen the institutional costs that the current process seems to impose."

Professor Gray, looking at recent decades, said the nomination process has become not just more politically contentious. He thinks it has become much more ideological — a legacy of President Ronald Reagan's ideological determination to offset President Jimmy Carter's across-the-board impact on the federal judiciary.

"One aspect of recent history that I think is frequently ignored is President Carter's tenure from 1977-1981," Gray explained. "President Carter was the first president in 110 years not to have the opportunity to name a Supreme Court justice. I think that accounts for why his tenure as president is overlooked in these types of discussions."

"Carter did, though, have an opportunity to appoint nearly one-half of the other federal judges in the country," Gray continued. "In 1977, Congress expanded the federal



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your interests as Hastings alumni.
So tell us what you want!
After all, an alumni magazine is of no value
if no one reads it!



Please take a few minutes to answer this survey.
Then, return it to us in the envelope in this centerfold
by April 30. Thank you!

Alumni Survey

1. How long have you received *Hastings Community*?

- ☐ Less than a year.
☐ One to three years.
☐ More than three years.

2. How often do you receive the magazine?

- ☐ Once a year.
☐ Twice a year.
☐ Three times a year.

3. Do you read it:

- ☐ All of the time.
☐ Most of the time.
☐ Sometimes.
☐ Rarely/Never.

4. Do you:

- ☐ Read it cover to cover.
☐ Read only some of articles.
☐ Skim the contents.

5. What types of articles do you read most often in the *Hastings Community* magazine. (Please check all that apply.)

- ☐ Class notes.
☐ Alumni profiles.
☐ Faculty information.
☐ Legal issues.
☐ Academic research activities.
☐ Campus news.
☐ Fundraising news.
☐ Other: _____

6. Please rank the following according to importance to you in an alumni magazine.

(1 = most important; 6 = least important. No ties, please.)

- ☐ Campus news.
☐ Features on legal issues.
☐ Alumni news.
☐ Faculty news.
☐ Legal research news.
☐ Advertising.

7. Are you currently practicing law?

- ☐ Yes ☐ No

If yes, area(s) of specialization: _____

8. Please indicate how much you agree or disagree with each of the following statements by checking the slot under the heading that best describes your feelings.

a) I get most of the information about my fellow Hastings alumni from the *Hastings Community* magazine.

b) I would like to be more involved with Hastings College of the Law alumni activities than I am today.

c) I get career/job information from the Hastings Career Job Bulletin.

d) I frequently use Hastings College of the Law as a resource for legal research/information.

e) I would like to be better informed about current Hastings College of the Law programs and activities than I am now.

f) I get most of my information about campus activities at Hastings from *Hastings Community* magazine.

g) I believe Hastings College of the Law is improving its communications with its alumni.

h) I am in contact with Hastings alumni *professionally*.

i) I am in contact with Hastings alumni *socially*.

j) I feel Hastings College of the Law has a positive image within the *legal community*.

k) I feel Hastings College of the Law has a positive image among the *general public*.

Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. What other law-related publications do you regularly read?

10. Do you circulate the *Hastings Community* magazine among others?

- ☐ Yes ☐ No

11. What year did you graduate from Hastings College of the Law? 19____

12. What is your gender? ☐ Male

☐ Female

13. In what state do you live?

If California, where do you live?

- ☐ Los Angeles
☐ San Diego
☐ Orange County
☐ San Francisco Bay Area
☐ Sacramento/Stockton/Fresno
☐ Other: _____

14. If Hastings increased its CLE course offerings to members of the California Bar, would you participate? ☐ Yes ☐ No

If yes, would you suggest any specific CLE topics: _____

Supreme Court...

Cont. from page 11

judiciary significantly. There were a fair number of retirements that took place during President Carter's presidency, and so he had a profound effect on the federal bench. He named significant numbers of women, racial minorities, and a lot of liberals to the bench. That set the stage for the election of President Reagan and what for our purposes is really a watershed year of 1980."

The ideological bent in choosing candidates for the Court, particularly given a Senate controlled by Democrats for the past 12 years, inevitably left some nominees short of a record that could withstand a Senate fight.

"I think what we've seen is a desire on the part of the president to appoint a strong, predictable ideology to the court," Gray said. "And where problems have arisen, it has been because that ideological nominee did not have something else going for him or her that would deflect some of the criticism that was sure to come from the Democrats and from interest groups aligned against the nominee."

At the core of the ideological fight has been *Roe vs. Wade*. Gray expressed the hope — but not necessarily the likelihood — "that the issue of *Roe vs. Wade* and the divisiveness it has caused in the confirmation process may be behind us."

Meanwhile, he added, the Senate should take a more activist role in the nomination process.

"I think the Senate needs to begin insisting on candidates that are from among the group of the most qualified judges and/or lawyers in the country," he said. "I think that the White House and the nominee have the burden of showing that the nominee is extremely well qualified to serve on the Supreme Court. That clearly has not been the case."

"I think," Gray added, "that the burden has been very much on the opponents to show that the person is either not intellectually or professionally qualified or, in what happened in the Thomas case, to show that he is not morally fit to be on the court, and I think that's a serious mistake..."

"I am proposing that the Senate play hardball along with the president, because I think right now the Senate is getting struck out."

Paul Edmond Basye 1901 - 1991

Hastings Professor Paul Edmond Basye, who was a leading figure in American property and probate law, died at his home in San Mateo Saturday, Oct. 5, 1991. Basye, who had celebrated his 90th birthday on Oct. 2, had been a professor at Hastings since 1948.

One of Professor Basye's lasting contributions was development of the Model Probate Code in the 1940s with Professor Lewis M. Simes. It led to adoption of uniform probate laws in a handful of states at first, and finally to adoption of the Uniform Probate Code in the United States in 1970.

Basye once said his early work with Simes, when they were both at the University of Michigan, "led to events which really changed my entire career."

Their joint book published in 1946 was "Problems in Probate Law, including a Model Probate Code," which was prepared for the Probate Law Division of the Section of Real Property, Probate and Trust Law of the American Bar Association.

Two years later, Basye joined the faculty at Hastings, where he completed and published his other major book on property law, "Clearing Land Titles," in 1953. Basye retired to emeritus status from Hastings in 1989, at the age of 88. He was at work on the third edition of "Clearing Land Titles" at the time of his death.

"Paul contributed great kindness, loyalty, and generosity to our school," said Dean Tom Read. "He will be truly missed."

Paul Edmond Basye was born October 2, 1901 in Napanee, Indiana.

He earned his undergraduate degree in 1923 from the University of Missouri, where he studied mathematics, physics and English literature. Upon graduation, Basye took a job at the AT&T research laboratories in New York. However, after just four months, Basye recalled in a 1988 oral history, he decided the job — "pure mechanical work" — was not for him. He headed home, stopping at the University of Chicago, where he enrolled in law school.

Basye earned his Juris Doctor degree in 1926, and the same year entered private practice with his father in Kansas City, Mo. He stayed in private practice until 1942, and during that period was an assistant professor of law at the University of Kansas City



Professor Paul E. Basye

(now University of Missouri at Kansas City) from 1938 to 1942.

In 1942, Basye accepted a fellowship at the University of Michigan, Ann Arbor. There he earned both his Master of Laws and Doctor of Juridical Science degrees. At the same time, his science background brought him into the war effort when the University of Michigan asked him to teach physics to classes of students from the U.S. Air Force who were being trained as meteorologists. Basye was honored with an honorary Doctor of Science degree from the University of Missouri in 1984.

A professor of law on the regular Hastings faculty from 1948 to 1966, Basye then became a member of the College's unique Sixty-Five Club. He was joined in 1960 at Hastings by his former colleague, Professor Simes, who was invited to join the Sixty-Five Club after retiring from the University of Michigan in 1959.

Basye also had maintained a private law practice in the San Francisco Bay Area since 1944. He was very active with the American Bar Association.

Professor Basye is survived by his wife of 60 years, Margaret; two sons, Charles E. Basye, of Scottsdale, Arizona, and John P. Basye, of Burlingame, California; 17 grandchildren and two great-grandchildren.

A funeral service was held Oct. 8 at the Burlingame United Methodist Church in Burlingame, California. A memorial service was held later in the fall on campus.

Donations may be made in Professor Basye's memory to the Paul and Margaret Basye Scholarship Fund at Hastings, c/o Office of College Relations, 200 McAllister St., San Francisco, CA 94102.

Faculty News

Professor John Diamond is currently co-authoring a criminal law casebook for Michie Publishing Co. and a torts textbook for Matthew Bender Publishing Co. During a portion of his sabbatical from Hastings this spring, Professor Diamond is a visiting scholar at Wolfson College at Cambridge University in England.

Professor Brian Gray published an article titled "Transfers of Federal Reclamation Water: A Case Study of California's San Joaquin Valley" in 21 *Environmental Law* 911 (1991), co-authored with Bruce Driver and Richard Wahl. Professor Gray also testified last summer before the Subcommittee on Water and Power of the U.S. Senate Committee on Energy and Natural Resources, on Senator Bill Bradley's Senate Bill 484, "Central Valley Project Improvement Act." He also testified before a committee of the National Academy of Science, which is financing a study of third-party effects of water transfers in the western United States.

Professor William T. Hutton received the Judson Klein Award from the Taxation Section of the California State Bar Association at its annual meeting in October. The award is presented annually to a California tax lawyer for outstanding professional and public service. In that same vein, Professor Hutton, in connection with his directorship of the Land Conservation Institute, has presented recent seminars in Seattle; Waterville Valley, New Hampshire; Bozeman, Montana; and Anderson Valley, California. In October, he also addressed the Tulane Tax Institute in New Orleans on recent developments in corporate taxation.

West Publishing Co. is publishing the Seventh Edition of **Professor William B. Lockhart's** work co-authored with Kamisar, Choper and Shiffrin, "Constitutional Law — Cases, Comments, Questions," and the two related teaching books, "Constitutional Rights and Liberties" and "The American Constitution." The first editions were published in 1964 when Professors Lockhart, Kamisar and Choper were all on the University of Minnesota faculty.

Professor Richard Marcus was one of approximately 10 law professors from around the country invited to participate in a Conference on Civil Discovery at the Federal Judicial Center in September, 1991, to plan the FJC's research agenda for the coming decade. In November, he gave a lecture on summary judgement at the judicial conference of the U.S. Claims Court in Williamsburg, Virginia, where he also was on a panel discussing managing complex civil litigation



Professor Peter K. Maier is shown speaking to the Sacramento Chapter of the Hastings Alumni Association when it honored James C. Hagedorn ('63) as its 1991 Alumnus of the Year, in October. Prof. Maier also remains very active in public service, working on behalf of different charitable organizations. He presently is serving as a member of the Finance Committee of the Archdiocese of San Francisco, a member of the Investment Committee of the Jewish Home for the Aged in San Francisco, treasurer of the Fromm Institute for Lifelong Learning at the University of San Francisco, and chairman of the Board of Advisors of the Buck Center for Research on Aging in Novato, Calif.

tion along with Judge Thomas Lambros, N.D. Ohio. In addition, Professor Marcus has become a co-author of the West Federal Practice and Procedure treatise, assuming responsibility for Volume 8 (discovery).

Professor Calvin Massey published two recent articles on constitutional issues involving both Canada and the United States. "Devolution or Disunion: The Constitution After Meech Lake," published in Volume 29 of the *Osgoode Hall Law Journal*, is an examination of the current constitutional crisis in Canada occasioned by the threat of Quebec separation. "Abstention and the Constitutional Limits to the Judicial Power of the United States" appeared in the 1991 Federal Courts Symposium issue of the *B.Y.U. Law Review*. In this article, Massey contends that the true abstention doctrines applied by the federal courts are not merely prudential but mandated by the Constitution.

Professor James R. McCall and his wife, Beverly, spent two weeks in Japan as guests of Nihon University in Tokyo. Professor McCall gave four lectures sponsored by the Nihon Institute of Comparative Law to undergraduate and graduate students at Nihon. The lectures were on different topics of current interest in American antitrust, such as vertical restraints, horizontal restraints, price discrimination under the Robinson-Patman Act and the current attitude of Bush Administration antitrust officials on the concepts of the Chicago School of antitrust analysis. Professor McCall also presented a lecture entitled "The Bush Administration and the Chi-

cago School of Antitrust Analysis" to the International Law Institute of Japan in Tokyo.

Professor Beatrice Moulton has been appointed to a three-year term on the American Association of Law Schools' Clinical Legal Education Committee. She also made a presentation on the Justice Content of Clinical Teaching and Scholarship at a conference on the Justice Mission of Law Schools in Cleveland on Oct. 31, 1991.

Professor Eileen A. Scallen spoke at the Hearsay Reform Conference at the University of Minnesota Law School on Sept. 6, 1991. She will publish an article in the *Minnesota Law Review* in a Symposium issue on hearsay reform entitled "Constitutional Dimensions of Hearsay Reform: Toward a Three-Dimensional Confrontation Clause." Professor Scallen also delivered a paper at the national Speech Communication Association Conference in Atlanta on Nov. 1, 1991. Her attendance at the conferences was made possible by the Faculty Development Fund sponsored by the 1066 Foundation.

An essay by **Professor Louis B. Schwartz** entitled "The Dangerousness of Power" appears as Chapter 12 of a newly published book, *Revitalizing Antitrust in It's Second Century* (Quorum Books, 1991). The essay focuses on the problem of private power concentrations created under regulation, surviving after deregulation, and ineffectually governed by relaxed standards of antitrust enforcement.

Parts of three articles by **Professor William Wang** have been included in the recent book, *Materials on the Law of Insider Trading* (C. Edward Fletcher, Editor, 1991). The articles were previously published in the *Southern California Law Review*, the *Hastings Law Journal*, and the *Harvard Law Review*.

Gail Winson, acting director of the College's Legal Information Center, moderated a panel on "CD-ROM Planning Issues" and gave a presentation and demonstration of state law publications available on CD-ROM at the 24th Annual Meeting of the Western Pacific Chapter of the American Association of Law Libraries, October 24-27, in Snowbird, Utah. Winson, who is an adjunct assistant professor, also authored with Janine S. Natter ('91), an associate with Schnader, Harrison, Segal & Lewis in New York City, "Music Law and Business: A Comprehensive Bibliography" as the Summer, 1991, issue of *Hastings Comm/Ent Law Journal*.

Hastings in the News

William W. Hodgman ('78), the Los Angeles County deputy district attorney who won a 17-count criminal conviction of Charles H. Keating Jr., was profiled in the *Los Angeles Daily Journal* (Dec. 30) in an article headlined "Deputy D.A. Heeds Teacher." The article opened:

"Deputy District Attorney, William W. Hodgman, remembers the words of a favorite law professor: 'The ranks of lawyers are replete with stonecutters; possibly there is a Michelangelo among you.' Hodgman describes himself as a stonecutter who aspires to the artistry of a Michelangelo. Colleagues say Hodgman, indeed, crafted a masterpiece when he nailed Charles H. Keating Jr. earlier this month on 17 counts of securities fraud."

The Hastings professor whom Hodgman mentioned was the late **Roscoe L. Barrow**, who spearheaded creation of the *Hastings Comm/Ent Law Journal*. His annual "Peevyhouse Lecture" — which contained the challenge to be a Michelangelo — was a perennial favorite among students, faculty and staff, recalls Hodgman. Based on the case, *Peevyhouse vs. Garland Coal & Mining Co.*, it stuck with Hodgman in other lasting ways. He also used it in arguing a motion during the Keating case.

According to the *Daily Journal* profile, Hodgman's skills earned him the title of artist to which Barrow urged his students to aspire. Wrote reporter Dick Goldberg, "Keating's defense counsel, Stephen C. Neal, called Hodgman's presentation 'superb...I don't think the federal prosecutors will do any better.' Hodgman's boss, District Attorney Ira Reiner, was more expansive. 'Bill has a unique ability to make a very complex case understandable to a jury.'"

Another recent newsmaker is **Joseph W. Cotchett** ('64), a member of Hastings Board of Directors and author of *The Ethics Gap: Greed and the Casino Society*. His campus lecture on the topic was the subject of an article carried in the *San Francisco Daily Journal* (Nov. 19), the *Los Angeles Daily*



Page from *COMMENT* was in memory of Professor Roscoe L. Barrow: "We will try, as he asked us, to be 'Michaelangelos of the law.' This is our greatest tribute to him."



(Photo by Robert Levins. Copyright, 1991. The Daily Journal Corp. Reprinted by permission.)

Los Angeles County Deputy District Attorney William Hodgman ('78)

Journal (Nov. 29), and the *Sacramento Daily Recorder* (Dec. 4). "In formal speeches, informal talks and a recently published book...Cotchett has placed a wake-up call for people who care about maintaining high moral standards within the professions," the article said. (See Page 4 for a report on the lecture.)

Hastings faculty and students were newsmakers as well in recent months — on issues ranging from the Clarence Thomas nomination hearings to the Bicentennial of the Bill of Rights.

"Hearing is lab for law students" was the headline in the *San Francisco Examiner* (Oct. 11) over a feature article on how students watched and debated the Thomas hearings. "A willingness to listen to both sides, reserving final judgments, character-

ized the comments of many of the standing-room-only crowd in the TV lounge," the newspaper reported. The story was one of several. San Francisco Bay Area radio and television stations aired similar features about Hastings students — with their reactions to the final vote carried in a national

San Francisco Examiner

report on *Cable News Network*. In one interview with *KGO-TV*, **Dean Tom Read** noted that the televised hearings proved to be a learning experience for law students and the public alike. "We've learned," he told reporters, "that sexual harassment is serious, and that is important. We've also learned

that the process is ill-defined for this kind of fact finding and that this process itself is in need of very serious reform."

The Sacramento Bee

With the Bicentennial of the Bill of Rights in December came many news reports. *The Sacramento Bee* (Dec. 12) turned to **Professor Calvin Massey** as a Ninth Amendment authority and **Professor and former California Supreme Court Justice Joseph Grodin** for commentary as part of an in-depth report on the Ninth and 10th Amendments. The *Oakland Tribune* (Dec. 15), meanwhile, posed the question: "Bill of Rights slipping away or stronger?" At least one answer was unequivocal. "*Hastings College of Law Professor Ray Forrester, former dean of the law schools at Cornell, Tulane and Vanderbilt Universities, said the Bill of Rights 'is thriving. It's gaining strength as the years go by'.*"

Sought out for analysis of the federal Food and Drug Administration's newly is-

sued rule on food labeling was **Professor Marsha Cohen**, one of the nation's only full-time law professors with intimate knowl-

edge of food and drug labeling issues and a member of the Committee on State Food Labeling, a national committee formed under auspices of the National Academy of Sciences. "*It seems to me that (the) intention is to try to make these regulations sort of wiggle-free so that you can't really wiggle around them in terms of the FDA's regulation,*" she said in describing the proposed regulations as a step in the right direction. She was interviewed (Nov. 6) by both *KCBS* radio and *KGO-TV* in San Francisco.

When Death Row inmates at San Quentin Prison sued for the same right to conjugal visits as other prisoners, *Cable News Network* (Jan. 9) turned to **Professor David Faigman** as a Constitutional law specialist for analysis. Saying that he sees a challenge more on grounds of discrimination than cruel and unusual punishment, Faigman said in the nationally telecast report, "*I'm not sure that*

I understand the distinction that the state is drawing and what the legitimate purpose is for allowing some prisoners conjugal visits but not others."

One of Hastings' new professors this academic year, **Jo Carrillo**, was profiled as part of a special report "Hispanics in the Law" in the *San Francisco Daily Journal* (Jan. 10). "*Of the 22 new Hispanic tenure-track faculty hired at law schools nationwide last year, one has*

gone to Hastings College of the Law from a Stanford law program designed to recruit minorities for teaching careers.

"*Jo Carrillo, who expects to finish a legal doctorate degree in June, says the fellowship program that supported her for the past two years was instrumental in helping her get a teaching position at Hastings.*

"*Carrillo was a legal writing instructor at Stanford when Dean Paul Brest encouraged her to apply for the Spaeth Fellowship.*"

At Hastings, Carrillo teaches Native American law, property, and wills and trusts. She is writing a thesis about the General

SAN FRANCISCO

Daily Journal

Indian Court in Mexico City, a legal-administrative institution that heard indigenous claims from 1592 to approximately 1820.

Class of 1991 graduate **Lauren Bolfango** was featured in the national edition of the *New York Times* (Jan. 9) as one of America's "thousands of well-educated young professionals who have had the misfortune to begin their working lives in a deteriorating economy that has cut a mean swath through the white-collar work force."

The *Times* focused on Bolfango as someone unwilling to give up in bad times.

"*Lauren Bolfango, a recent law school graduate, works 37½ hours a week researching cases, writing pleas and motions and doing other standard tasks of a new associate in a small law firm...*

"*What sets her apart is that she does the work without charge, after losing hope that her search for employment would ever produce a real job and deciding that volunteering in her chosen profession was better than being unemployed.*

"*I got tired of sitting around and watching soaps,' said Ms. Bolfango, 27 years old, who graduated last spring from the University of California's Hastings College of the Law.*"



Reporter from KCBS radio interviewing Dean Tom Read during the Clarence Thomas nomination hearings, following charges by Anita Hill.

1991 Black Tie Dinner

With a panoramic view of San Francisco's Golden Gate and Bay Bridges as a backdrop, 1066 CLUB members, faculty, students and friends dined and then danced to the music of Abe Battat in the Starting Line Room of the St. Francis Yacht Club on November 1. Professor and Mrs. Peter Maier, club sponsors of the 1991 Black Tie Dinner, joined in honoring John K. "Jack" Smith ('54) as "Volunteer Extraordinaire." Dinner began with a toast offered in honor of Smith by 1066 Foundation Board President, John E. Nordin II ('69), of Los Angeles. More than 100 glasses were raised in tribute as the gala party continued. Earlier in the evening during the cocktail hour, Dean and Mrs. Tom Read greeted guests at the door. Events Chairman Terrence A. Callan ('64) was also on hand to welcome the guests — especially those who had traveled from out of town, as had the Dennis P. Dormans ('71) and Elizabeth Franco Bradley ('71) of San Diego, the Honorable and Mrs. Blaine E. Pettitt ('41) of Fresno, the Philip M. Knoxes ('49) of Sacramento, Fritz L. Duda ('64) of Dallas and the Richard W. Hortons ('50) of Reno. Valerie Fontaine ('79), the Stephen E. Newtons ('67) and Gina Rutter came from Los Angeles.



John K. "Jack" Smith ('54) was the honoree at the 1991 Black Tie Dinner as more than 100 glasses were raised in a toast (left). Smith speaks to the gathered alumni and guests with his daughter, Cynthia K. Smith ('83), at his side (above).



Richard W. Horton ('50) and his wife, Sheila.



Mark Your Calendar!

May 1: Southern California Semi-formal
1066 Foundation Dinner-Dance — Beverly
Hills Peninsula Hotel



From left, Dean Tom
Read, Professor and
Mrs. Rudolf B.
Schlesinger, and John K.
"Jack" Smith ('54).



Melvin C. Kerwin ('61)
and his wife,
Georgeanne, among
those enjoying the dance
following the annual
Black Tie Dinner.



Robert Sakai ('74), law
partner of John K.
"Jack" Smith, and his
wife, Margaret Orozco-
Sakai.

From left, Georgeanne
Kerwin, Eleanor Van
Voorhis, Mrs. William R.
Forrester, and Thomas
Van Voorhis ('59).



Alumni Association Benefits

California State Employees Credit Union

Eligibility to join the California State Employees Credit Union #2. For an initial \$10 application fee, plus a minimum \$100 deposit, you may take advantage of their VISA card at a low interest rate, free checking, competitive rates on loans and mortgage financing, payroll deductions, and access to a wholesale dealer for new cars.

Hastings Legal Information Center

Access to all of the Center's facilities except computer services. Check with the circulation desk regarding checkout policies.

Public Interest Career Assistance Program (PICAP)

PICAP provides loan repayment assistance to qualifying graduates who are currently working in public interest law. The program currently has limited funding and is restricted to graduates working in government earning less than \$35,000 per year. For more information, contact the Office of Financial Aid at 415-565-4624.

U.C.-Santa Barbara Family Vacation Center

Known fondly as a "cheap Club Med," the Center offers week-long stays and all meals and activities are included in the per person rate. All Hastings alumni are eligible to attend and a special discount on each adult's rate is available. Brochures and reservation forms may be obtained from the College Relations Office.

Union Square Hotels

Discounts at various Union Square hotels are available while you are doing business in or visiting San Francisco. Rates include a variety of amenities. Call the College Relations Office (415-565-4615) and reservations will be made for you.

WorldCare Travel Assistance Association

When travelling abroad, WorldCare offers Americans a 15 percent discount on its 24-hour, 365-day assistance network covering health and legal concerns. Contact the College Relations Office for further information.

For complete details, contact:
Office of College Relations
Hastings College of the Law
200 McAllister St., Rm. 209
San Francisco, CA 94102-4978

415-565-4615

Robert W. Merrill Is 1992 President of Commonwealth Club

The Hon. Robert W. Merrill ('52), an associate justice of the California Court of Appeal, is the 1992 president of the Commonwealth Club of California, which is considered the nation's premier public affairs forum. He was inaugurated in December.

The Commonwealth Club, an 89-year-old nonprofit educational organization, conducts regular Friday luncheons with illustrious speakers. Speakers, including the presidents of Mexico and Peru, several United States cabinet members, Nobel laureates, and education, arts and social leaders, were heard by 20,000 members and luncheon guests during 1991. Hundreds of thousands of others listen to Commonwealth Club speeches over more than 200 stations on the broadcast industry's oldest radio program.

Merrill will be assisted by Claude B. Hutchinson, the club's president-elect for 1993 and chairman, chief executive officer, and a director of Civic Bancorp's CivicBank of Commerce in Oakland, California.

Before joining the Court of Appeal in 1985, Merrill served as a judge of the San Francisco Superior Court. In 1981, the San Francisco Trial Lawyers' Association selected him as Trial Judge of the Year.

He has served as president of the San Francisco Barristers Club, president of California Young Lawyers, and a member of the board of governors of the San Francisco Bar Association. He was president of the Multiple Sclerosis Society of Northern California and vice president of the San Francisco Symphony Foundation.

Merrill and his wife, Shirley, live in Woodside, California.



(Photo Courtesy of Shirley Cohelan Burton/Suburban News Service)

The Hon. Robert W. Merrill ('52), new president of the Commonwealth Club of San Francisco, with his wife, Shirley, at his installation in San Francisco.

Four From Hastings Serve on State Bar of California Board

Three of the newly-elected members of the State Bar of California Board of Governors are graduates of Hastings, bringing the total alumni serving on the board to four — more than from any other law school.

Elected governors in 1991 were Donald R. Fischbach ('72) of Fresno, Edward B.

Fischbach practices with the firm of Baker, Manock & Jensen, in Fresno. He is past president of the Fresno County Bar Association. He was elected from District 5.

Huntington, a partner in the firm of Huntington & Haviland, in San Diego, is past president of the San Diego County Bar Association. He was serves from District 9.

Gee is regional counsel of California Rural Legal Assistance. She is past president of the Yuba-Sutter Bar Association. She was elected from District 1.

Gray, a partner in the firm Gray & Gray, in Anaheim, is past president of the Orange County Bar Association. He was elected from District 8.



Donald R. Fischbach ('72)



Pauline W. Gee ('77)



Arthur W. Gray Jr. ('52)



Edward B. Huntington ('67)

Huntington ('67) of San Diego, and Pauline W. Gee ('77) of Marysville. They join a fourth alumnus, Arthur W. Gray Jr. ('52) of Anaheim, who was elected to the board in 1990.

With a membership of more than 122,000, California's is the nation's largest bar. It is governed by a 23-member board. Fifteen members are lawyers elected to staggered three-year terms by membership from the state's nine bar districts. A 16th lawyer is elected to a one-year term by the California Young Lawyers Association's board of directors. Six public members also serve. The president is elected from among the board members to serve a fourth year.



Anne Molgaard is State Bar's 1991-93 Earl Johnson Fellow

Anne Cecile Molgaard ('91), who was the 1991 Class Speaker at Commencement, was named the Earl Johnson Fellow for 1991-93 by the Legal Services Division of the State Bar of California. She will be working for the Redwood Legal Assistance Program in Ukiah for two years under the fellowship. Her work will include setting up a landlord mediation service.

Did you answer the Alumni survey on page 13?

Class Notes

1930s

1938

Philip Adams was honored in September, 1991, by a dinner sponsored jointly by the Bar Association of San Francisco and the local chapter of the American Academy of Matrimonial Lawyers. The event saluted his leadership of the family law bar for over 50 years of practice. In the area of adoption law, he has handled over 4,000 adoptions and is the author of *Adoption Practice in California*. He currently serves as a director of the Academy of California Adoption Lawyers and continues his full-time law practice.

1939

Jerome Sapiro retired from practice on December 24, 1991. He continues to reside in San Francisco.

1950s

1950

Hon. Ben W. Hamrick retired from the San Diego Superior Court after 18 years on the bench. He has joined Judicial Arbitration & Mediation Services, Inc.

1951

Joseph Jedeikin has been appointed chair of the Standing Committee for Annual Meeting Arrangements of the Tort & Insurance Practice Section of the American Bar Association. He is a partner in the San Francisco firm of Jedeikin, Green, Sprague & Bishop.

1955

Hon. David Allen is retiring from the Tulare County Superior Court, but he will continue on as a part-time judge filling in around the state as needed.

1959

Robert H. Miller has been elected the 1992 treasurer of the Santa Clara County Bar Association. He is a partner in the Palo Alto firm of Jordan & Miller.

1960s

1963

James Murad has been appointed to the San Francisco Asian Art Commission.

1964

Joseph W. Cotchett has been selected as a Fellow of the American College of Trial Lawyers. He has also been appointed by California Supreme Court Chief Justice Malcolm M. Lucas to the Judicial Council Commission's Committee on Civil Cases.

Hon. Ted Millard has been elected assistant presiding judge of the Orange County Superior Court for 1992.

1965

Lois Haight Herrington has been appointed by California Supreme Court Chief Justice Malcolm M. Lucas to the Judicial Council Commission's Committee on Family Relations and the Courts.

1966

Michael R. Coghlan has joined the Los Angeles Public Defender's Office.

1967

Edward B. "Ned" Huntington has been elected to the California State Bar Association Board of Governors.

Nicholas G. Moore has been appointed vice chairman of Coopers & Lybrand's western region.

Hon. George Nicholson of the California Court of Appeal has been appointed by California Supreme Court Chief Justice Malcolm M. Lucas to the Judicial Council Commission's Committee on Technology.

1968

Marz J. Garcia has been appointed director of the Office of Administrative Law by California Governor Pete Wilson.

1970s

1971

James R. Ayoob has been named senior vice president and general manager of Commonwealth Title & Escrow Co., Chico, Calif.

Paul D. Supnik has been appointed national vice president for the U.S. Association



Sacramento Alumnus of the Year

The Sacramento Chapter of the Hastings Alumni Association honored **James C. Hagedorn ('63)** as its 1991 Alumnus of the Year in October. He is a past president of the Alumni Association (1980-81) and is a member of the 1066 CLUB. Shown, from left, are: **Rudolf M. Michaels ('48)**, who introduced Jim at the luncheon; **Hagedorn**; and **Kenneth M. Malovos ('69)**, Sacramento Chapter president.

This Spring 1992 listing of Class Notes is based on items submitted prior to Dec. 31, 1991. Items submitted after that date will appear in the Summer 1992 issue of your *Hastings Community*.

Internationale des Jeunes Avocats, a worldwide international bar association of some 2,500 lawyers under 45 years of age.

1972

Donald R. Fischbach has been elected to the California State Bar Association Board of Governors.

Col. Michael B. Lumbard has been assigned as the Staff Judge Advocate of the Second Air Force at Beale Air Force Base, near Marysville, California. This organization is responsible for world-wide strategic reconnaissance for the military and civilian federal intelligence agencies. Col. Lumbard supervises 16 attorneys at Beale and at Offutt Air Force Base in Nebraska.

1973

John M. Kaheny has been appointed assistant city attorney for the City and County of San Diego.

1974

Robert M. Foster is a supervising deputy attorney general with the criminal division of the California Attorney General's Office in San Diego. He personally briefed, argued, and won the case of *California v. Acevedo* (1991) before the U.S. Supreme Court.

Hon. Steven E. Jahr has been appointed to the Shasta County Superior Court.

Richard H. Jordan has been named advisor to the North Bay Worker's Compensation Association.

Michael J. Loeb of Crosby, Heafey, Roach & May in Oakland, was one of two recipients of the State Bar President's Pro Bono Service Award for 1991.

William Lew Tan has been elected president of the California State Board of Pharmacy.

1975

Hon. Carol A. Corrigan has been appointed to the Alameda County Superior Court.

Bruce J. Janigian is chairman of the California Agricultural Labor Relations Board, an adjunct professor at McGeorge School of Law, and a visiting scholar at the Hoover Institution on War, Revolution and Peace at Stanford University.

1976

Kay E. Kohler has been appointed to serve on the California State Bar's Committee on Appellate Courts.

Joseph H. Schieffer was selected as a member of the U.S. national team competing in the 1991 world championship for the 100 kilometer run

held in Florence, Italy. Joe was the first American to finish the 62.2 mile distance and was 23rd overall, in a time of seven hours, 44 minutes, 24 seconds.

Assemblywoman **Jackie Speier** was the keynote speaker at the annual Civic Affairs Dinner in Auburn, California, in October.

Ronald R. Ward was re-elected to a second term ('91-'93) as a member of the Board of Governors of the Washington State Trial Lawyers Association.

1977

Pauline W. Gee was the 1991 recipient of the California Women Lawyer's Fay Stender Award for her outstanding work on behalf of rural women. She was one of the first lawyers in California to represent victims of domestic violence and she continues to be active in that movement. She is regional counsel for California Rural Legal Assistance and is a newly-elected member of the California State Bar Board of Governors.

Charles M. Sink was a recipient of the American Arbitration Association's award for outstanding contributions to the responsible use of arbitration and dispute resolution. He was presented the award at the November 7, 1991 "Mediation & Arbitration Day 1991" in San Francisco.

Kenneth K. So has been appointed chief deputy city attorney for the City and County of San Diego.

William W. Wondolowski has joined Hexcel Corp. in Dublin, California, as treasurer.

1978

Anthony G. Arlen has opened his own solo practice in Sacramento, specializing in plaintiffs' personal injury work.

Betty L. Dawson has been appointed to serve on the California State Bar's Committee on Appellate Courts.

Brad Seligman, managing partner of the Oakland civil litigation firm of Saperstein, Seligman, Mayeda & Larkin, has given up his partnership in the firm. He will continue to represent plaintiffs in pending (as of mid-August) class actions against the Lucky and Target retail chains in an of-counsel capacity.

1979

Thomas A. Banducci opened the Boise office and is managing partner of that office of Stool Rives Boley Jones & Grey. (The last issue mistakenly announced that he simply became a partner. We apologize for the error.)



William Andrews
(89)



Bruce J. Janigian ('75)



Hon. Carol A. Corrigan ('75)



Jayne A. Peeters ('82)



Betty L. Dawson
(78)



Jackie Speier ('76)



Kathleen M. Eyre
(83)



Ronald R. Ward ('76)



Marz J. Garcia ('68)



Karen Williams ('85)

John A. Hartog has left the Oakland firm of Lempres & Wulfsberg to set up his own practice in Orinda.

1980s

1980

Dennis J. Byrne has joined the Santa Rosa, California firm of Belden, Abbey, Weitzenberg & Kelly.

1981

Lorraine H. Akiba was recently selected as the new lawyer representative for the USDC, District of Hawaii to the 9th Circuit Judicial Conference.

1982

W. Noel Edlin has been named managing partner at Walsworth, Franklin & Bevins in San Francisco.

Robert Kaneda is in his second year of full-time Japanese language study at the State Department's field school in Yokohama, Japan. He will become a political officer at the U.S. Embassy in Tokyo in July 1992.

Jayne A. Peeters has joined the litigation department of Jeffer, Mangels, Butler & Marmaro in San Francisco after a two-year hiatus to raise her three young sons.

1983

Phillip A. Davis has become a partner at

Sheppard, Mullin, Richter & Hampton in Los Angeles.

Jeffrey D. Epstein has joined the San Francisco office of Bronson, Bronson & McKinnon, specializing in real estate development and finance.

Kathleen M. Eyre has become Director of health policy for Blue Cross of California.

Dennis Floyd has joined the city attorney's office in Merced, California.

Elizabeth Thompson has joined the commercial litigation department of the San Francisco firm of Feldman, Waldman & Kline.

1984

Dean A. Alper, a former associate with Long & Levit in San Francisco, opened his own practice in San Francisco, specializing in commercial and personal injury litigation.

David C. Capell has become a partner at Gordon & Rees in San Francisco.

Paul S. Choy and his wife, Pamela, are pleased to announce the birth of their second child, Erica Miae Choy, born on September 9, 1991. Paul has been in solo private practice in Foster City for two years, specializing in estate planning.

Domenic Charles Drago has become a partner at Sheppard, Mullin, Richter & Hampton in Los Angeles.

Richard D. Fike has become a partner at Gordon & Rees in San Francisco.

Alice M. Oshiki has become a partner at Lewis, D'Amato, Brisbois & Bisgaard in Los Angeles.

D. Matthew Richardson has been named a partner at Rudin, Appel & Rosenfeld in Los Angeles.

David B. Shontz is now with the litigation department of Loeb and Loeb, in New York City.

Lewis R. Warren has joined the Santa Rosa, California, firm of Belden, Abbey, Weitzenberg & Kelly.

1985

Jeffrey T. Makoff has transferred from the Los Angeles office of Skadden, Arps, Slate, Meagher & Flom to the firm's San Francisco office. He will continue to practice principally in securities and fiduciary litigation.

Karen Williams has joined the Palo Alto, California firm of Ware & Freidenrich, practicing in general civil litigation with an emphasis on intellectual property cases.

1986

Daniel Bosshart has joined Trainor, Robertson, Smits & Wade, a commercial real estate law firm in Sacramento.

Robert M. Yates has been named a partner at Fraser, Stryker, Vaughn, Meusey, Olson, Boyer & Bloch, in Omaha, Nebraska.

1987

Charlotte Makoff opened her own litigation firm in March 1991, having relocated from Los Angeles to Tiburon, California.

Beverly Elaine Narayan has joined Clapp, Moroney, Bellagamba, Davis and Vucinich in Menlo Park, California, specializing in environmental litigation.

Frank Sarro has joined Sedgwick, Detert, Moran & Arnold in San Francisco, specializing in representing management in labor and employment matters.

Gerald M. Tomassian has opened a new firm, Olsen, Blanco & Tomassian, in Fresno, California.

1988

Peter Brock has joined the San Francisco firm, Bartko, Welsh, Tarrant & Miller, where he will specialize in commercial litigation.

Emily M. De Falla has opened her own family law practice in Point Richmond, California.

Randall W. "Todd" Thompson has become a named partner at Mair, Mair, Spade & Thompson in Agana, Guam.

Gregory L. Ursich has joined the Seattle, Washington, law firm of Aiken, St. Louis & Siljeg as an associate, practicing in the areas of environmental coverage litigation, maritime and real estate.

William Warne has joined Downey, Brand, Seymour & Rohwer in Sacramento, California, as a litigation associate.



Hastings Night at the Opera

More than 50 San Francisco Bay Area alumni, guests, and Hastings professors attended a sell-out, first-ever "Hastings Night at the Opera" in November. They attended the opening night performance of Giuseppe Verdi's "Attila," but first came to campus for a pre-opera reception featuring a talk by Dr. Clifford Cranna, Musical Administrator of the San Francisco Opera.



A 'Hot' Time on Campus

From left, the Hon. Richard W. Kirby, Ret. ('64), Elizabeth M. McQuillan ('82), Stuart A. Bronstein ('78), and Bruce D. Rogie ('72) dish up a chili dinner for students. They were among the alumni who helped serve chili, salad, and drinks for the Alumni Association's Sixth Annual Chili Night. More than 150 students were on hand for the food and conversation with alumni about "life after law school."

1989

William Andrews has joined Sedgwick, Detert, Moran & Arnold in the San Francisco's Employment and Labor Law Group.

Heidi S. & Peter B. Maretz are the proud parents of Matthew Belous Maretz, born September 10, 1991. Heidi is an associate at Luce, Forward, Hamilton & Scripps and Peter is an associate at Baker & McKenzie, both in San Diego.

Diane M. Matsuda has joined Nihonmachi Legal Outreach in San Francisco as a staff attorney.

Daniel Stromberg has joined Manwell & Milton, in San Francisco.

1990s

1990

Eddie A. Angeles has joined the District Attorney's office in San Francisco.

Candis A. Glover has joined the Public Defender's office in Los Angeles.

Theodore J. Holt is an associate at Trainor, Robertson, Smits & Wade in Sacramento.

Jason Schaffer has completed his clerkship with Judge Arthur L. Alarcon, U.S. Court of Appeal for the 9th Circuit in Los Angeles, and is now a litigation associate with Baker & McKenzie in San Francisco.

Richard K. Voss has become an associate with the Sacramento firm of Deipenbrock, Wulff, Plant & Hanneagan, where he will focus on civil litigation, with an emphasis on employment law and general practice.

1991

John M. Cardot and **Laurie L. Quigley-Cardot** were married in Merced in October. Laurie is an associate with Morrison & Foerster in Los Angeles, and John works in the legal/tax department of Arthur Andersen & Co. in Los Angeles.

Melyssa D. Davidson has become an associate in the Salt Lake office of the law firm Van Cott, Bagley, Cornwall & McCarthy.

Davina F. Haimov has joined the Orange County firm of Rutan and Tucker.

Anne C. Molgaard received the Earl Johnson Fellowship from the California State Bar. She begins her fellowship at the Redwood Legal Assistance Program in Ukiah.

John L. Smith has joined Crosby, Heafey, Roach & May, in Oakland.

In Memoriam

James T. Davis '34

Dennis J. Gould '67

Leonard L. Hartley '47

Louis F. Hawkins '56

William J. Losh '58

Daniel B. Moore '78

Richard Pagni '72

Hon. Clifford H. Plumley '49

Hon. Donald K. Quayle '28

Edward Solomon '57


Kenneth C. Zwerin '35

Coming in your Summer Community...



Founder's Day

The 1992 Founder's Day Celebration featured former Chief Justice Warren E. Burger (above) as the keynote speaker, and honored John S. Herrington ('64), former U.S. Secretary of Energy, with the Hastings Medal of Achievement and Homer L. McCormick ('61) as 1992 Alumnus of the Year. Watch your Summer issue of Hastings Community for coverage of Founder's Day.



Upcoming Events for Alumni

April 2	San Diego Chapter Alumnus of the Year Dinner Honoring Judge William Mudd ('69)
April 5	Los Angeles/Orange County Chapters "Day at Disneyland" with dinner at Club 33.
April 22	Scholarship Tea & 1066 Foundation Awards
April 30	Alumni Association Champagne Reception for Third-Year Students
May 1	Semi-formal 1066 Foundation Dinner and Dance, Beverly Hills Peninsula Hotel.
May 12	American Law Institute Reception in Washington, D.C.
May 24	1992 Commencement — Speaker: Columnist Art Buchwald
June 13	Alumni Association Board of Governors Meeting in Napa, Calif.
June/July	New student receptions in Fresno, Los Angeles, Oakland, Orange County, Sacramento, San Diego & San Francisco
Sept. 26	Reunions for the Classes of '35, '37, '42, '47, '52, '57, '62, '67, '72, '77, '82 & '87 in San Francisco
Through 1992	Special Exhibit, "Hastings' and the Supreme Court of California," on Campus — 4th Floor, Legal Information Center

For information on any of these events, phone the College Relations Office at (415) 565-4615.

The 1992 Annual Fund Spring Phonathon will take place March 16 – April 3.

HASTINGS

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